

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4632 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SHATRASHALYASINHJI D.JADEJA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4632 of 1985
MR AS VAKIL for MR SB VAKIL for Petitioner
MR VM PANCHOLI, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 24/06/1999

ORAL JUDGEMENT

1 While admitting the matter on 19.9.1985 this matter was ordered to be heard with Special Civil Application No.4347 of 1985. However, it is brought to the notice of the Court today that Special Civil

Application No.4347 of 1985 was a service matter and was disposed of on 5.2.1991. Hence, there is no question of hearing this matter with Special Civil Application No.4347 of 1985. The present petition is, therefore, taken up for final disposal today.

2 Heard Mr A.S. Vakil for Mr S.B.Vakil for the petitioner and Mr V.M.Pancholi, learned AGP, for the respondents.

3 The petitioner has challenged the order passed by the State Government rejecting the petitioner's application under section 20 of the Urban Land (Ceiling & Regulation) Act, 1976. While admitting this petition on 19.9.1985, this Court had restrained the respondents from proceeding further in Case No.1533 of 1976. In this view of the matter, no notification was issued u/s 10(3) of the said Act till the date of coming into force of Urban Land (Ceiling & Regulation) Repeal Act, 1999. The learned AGP, Mr VM Pancholi, also confirms this fact in view of the written instructions dated 17th June 1999 received from respondent no.2.

4 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)